

CERTIFICATE OF MAILING UNDER 37 C.F.R. § 1.10

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Michael J. Moffatt

Registration No. 39,304

PP 09573

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 08/508,048 Confirmation No.: 4145
Inventor : Werner Noack
Filed : July 27, 1995 Patent No.: PP9,573
Art Unit : 1803 Issued: June 11, 1996
Examiner : Howard J. Locker
Title: : GROUND COVER ROSE PLANT NAMED 'FLOWER CARPET WHITE'

Docket No.: : ROSNO.69917
Customer No. : 27629

Certificate
JUL 26 2005
of Correction

Certificate of Corrections Branch
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST FOR CERTIFICATE OF CORRECTION OF PATENT UNDER 35 U.S.C.
§255 & 37 C.F.R. §1.323

Dear Sir:

1. Attached, in duplicate, is Form PTO—1050 (PTO/SB/44), with at least one copy being suitable for printing.
2. It is noted that errors appear in the above-identified patent of a clerical, typographical or minor nature or character, as more fully described as follows.

In the Title Page, Title (Item 54): delete "'FLOWER CARPET WHITE'" and insert --'NOASCHNEE'--.

At Column 1, lines 7-8: delete "'Flower Carpet'" and insert --'Noatraum'--.

At Column 1, lines 8-9: delete "which sometimes is known as the 'Noatraum' variety."

07/25/2005 TBESHAH1 00000015 PP9573

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JUL 29 2005

At Column 1, line 9: delete "Flower Carpet" and insert --'Noatraum' -- .

At Column 1, line 18: delete "Flower Carpet" and insert --'Noatraum'--.

At Column 2, lines 5-6: delete "Flower Carpet White" and insert --'Noaschnee'--.

At Column 2, line 39: delete "Flower Carpet" and insert --'Noatraum'--.

The changes other have been made in order to provide a varietal name consistent with that used in Europe and mentioned at Col. 2, lines 9-10. FLOWER CARPET and FLOWER CARPET WHITE are trade names used in the United States and not the varietal name. When the application was filed, the term FLOWER CARPET WHITE was inadvertently substituted for 'NOASCHNEE' only in the U.S. plant patent application. Elsewhere, outside the United States, the proper varietal name 'Noaschnee' has been used. This has recently come to Applicant's attention and is likewise being addressed in commonly owned U.S. Plant Patent Nos. PP7,282; PP10,084; PP10,239; and PP10,527 (also incorrectly listing the trade name FLOWER CARPET in place of the varietal name) in similar Certificate of Correction requests filed concurrently in those respective cases. Applicant submits that no new matter has been added and that reexamination of this patent should not be required for such correction.


3. Please send the Certificate to:

Name: Michael J. Moffatt
Address: FULWIDER PATTON LEE & UTECHT, LLP
200 Oceangate, Suite 1550
Long Beach, CA 90802
(562) 432-0453

4. A check in the amount of \$100.00 as payment for the certificate of correction fee under 37 C.F.R. §1.322(a) is enclosed. However, if any additional fee is required in relation to this filing, please charge Deposit Account No. 21-0800; likewise if any overpayment has been made, please credit Deposit Account No. 21-0800.
5. Applicant also submits herewith an executed Substitution of Attorney form.

Respectfully submitted,

FULWIDER PATTON LEE & UTECHT, LLP

By: 
Michael J. Moffatt
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200 Oceangate, Suite 1550
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UNITED STATES PATENT AND TRADEMARK OFFICE CERTIFICATE OF CORRECTION

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APPLICATION NO. : 08/508,048
ISSUE DATE : June 11, 1996
INVENTOR(S) : Werner Noack

Page 1 of 1

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MAILING ADDRESS OF SENDER (Please do not use customer number below):

This collection of information is required by 37 CFR 1.322, 1.323, and 1.324. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing the burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Attention Certificate of Corrections Branch, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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MAILING ADDRESS OF SENDER
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US00PP09573P

United States Patent [19]

Noack

[11] Patent Number: **Plant 9,573**
 [45] Date of Patent: **Jun. 11, 1996**

[54] GROUND COVER ROSE PLANT NAMED 'FLOWER CARPET WHITE'

[76] Inventor: **Werner Noack**, Im Fenne 60, 33334
 Gütersloh, Germany

[21] Appl. No.: **508,048**

[22] Filed: **Jul. 27, 1995**

[51] Int. Cl.⁶ **A01H 5/00**

[52] U.S. Cl. **Plt./1**

[58] Field of Search **Plt./1, 23, 8.1**

Primary Examiner—Howard J. Locker

Attorney, Agent, or Firm—Burns, Doane, Swecker & Mathis

[57] ABSTRACT

A new and distinct variety of ground cover rose plant is provided which forms continuously throughout the season attractive long-lasting pure white blossoms. The new variety exhibits a compact and spreading growth habit that renders it suitable for growing as an ornamental ground cover in the landscape. The foliage is dark green and glossy and contrasts well with the pure white blossoms. Reproductive organs and pollen provide a generally yellow coloration at the center of each fully open blossom. The pure white blossom coloration is well retained upon the aging of the blossoms, and petals drop off cleanly as the blossoms mature. The new variety also propagates well from cuttings, by the budding of an eye, and by grafting, and exhibits an excellent resistance to blackspot, mildew, and rust.

2 Drawing Sheets

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SUMMARY OF THE INVENTION

The new variety of ground cover rose plant of the present invention was created by artificial pollination wherein two parents were crossed which previously had been studied in the hope that they would contribute the desired characteristics. The female parent (i.e., the seed parent) was the 'Flower Carpet' variety (U.S. Plant Pat. No. 7,282) which sometimes is known as the 'Noatraum' variety. The 'Flower Carpet' variety is marketed under the Heidetraum trademark in Germany, and possesses deep pink blossoms. The male parent (i.e., the pollen parent) 'Margaret Merrill' variety (non-patented in the United States) which is a Floribunda variety possessing white blossoms. The 'Margaret Merrill' variety sometimes is known as the 'Harkuly' variety. The parentage of the new variety can be summarized as follows:

'Flower Carpet' x 'Margaret Merrill'.

The seeds resulting from the above pollination were sown and small plants were obtained which physically and biologically differ from each other. Selective study resulted in the identification of a single plant of the new variety.

It is found that the new ground cover rose plant possesses the following combination of characteristics:

- (a) forms attractive pure white, long-lasting blossoms substantially throughout the season that well retain their original coloration upon aging,
- (b) exhibits a compact and spreading growth habit,
- (c) forms attractive dark green and glossy foliage that contrasts well with the pure white blossoms,
- (d) exhibits excellent disease resistance with respect to blackspot, mildew, and rust, and
- (e) is particularly suited for growing as attractive ornamentation in the landscape.

Reproductive organs and pollen provide a generally yellow coloration at the center of each fully open blossom.

The new variety meets the needs of the horticultural industry and can be grown to advantage as attractive ornamentation in parks, gardens, public areas, and residential landscapes.

The new variety of the present invention has been found to readily undergo asexual reproduction in Germany by the use of cuttings, by the budding of an eye, and by grafting.

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Such asexual reproduction as performed in Germany has shown that the characteristics of the new variety are homogeneous and stable and are strictly transmissible from one generation to another.

The new variety has been named the 'Flower Carpet White' variety. The new variety also is known as the 'Noaschnee' variety in Europe and is being marketed under the Schneeflocke trademark in Europe.

BRIEF DESCRIPTION OF THE PHOTOGRAPHS

The accompanying photographs show as nearly true as it is reasonably possible to make the same, in color illustrations of this character, typical specimens of the new variety while growing in the landscape. The illustrated rose plants were three years of age and were observed during July while growing outdoors on 'Pfänders' understock at Gütersloh, Germany.

FIG. 1 illustrates a profusion of blossoms and the foliage of the new variety wherein the buds and blossoms are visible in various stages of opening and the good petal drop character of the new variety is visible as the blossoms mature; and

FIG. 2 illustrate buds, blossoms, and foliage of the new variety in greater detail that as illustrated in FIG. 1.

DETAILED DESCRIPTION

The chart used in the identification of the colors is that of The Royal Horticultural Society (R.H.S. Colour Chart) of London, England. Color terminology in common terms sometimes is included as an aid to the reader. The description is based on the observation of three year-old specimens of the new variety while growing outdoors on 'Pfänders' understock during June and July at Gütersloh, Germany.

Class: Ground Cover.

Parentage:

Female.—'Flower Carpet' (U.S. Plant Pat. No. 7,282).

Male.—'Margaret Merrill' (non-patented in the United States).

Plant:

Height.—Approximately 50 cm. on average at the end of the growing season.

Form.—Compact and spreading, and creates an excellent ground cover.

Branches:

Color.—Young stems: light green, and with a smooth surface. Adult wood: medium green and with a smooth surface.

Thorns.—Size: medium, approximately 5 mm. in length on average, and slightly curved downward. Frequency: irregular. Color: initially light brown changing to dark brown with maturity.

Leaves:

Stipules.—Light green in coloration.

Leaflets.—Number: commonly 5 to 7. Quantity: very abundant. Size: medium. Serration: simple. Color (young foliage): Upper surface: bronze as illustrated in FIG. 2. Under surface: slightly lighter than upper surface. Color (adult foliage): Upper surface: dark green and glossy as illustrated in FIG. 2. Under surface: slightly lighter than upper surface and matte. General appearance: dense, dark green, and glossy. Texture: leathery.

Inflorescence:

Number of flowers.—Numerous and commonly in clusters.

Peduncle.—Light green in coloration, short in length, relatively strong, and commonly crooked.

Sepals.—Commonly extend beyond the bud and are pointed.

Buds.—Shape: rounded as illustrated in FIG. 2. Length: approximately 3 cm. on average. Size: medium. Color when opening: Upper surface: White, White Group 155B. Under surface: White, White Group 155B.

Flower.—Form: initially cup-shaped with flattening upon maturity. Diameter: approximately 6 cm. on average. Color (when opening begins): Upper surface: White, White Group 155B. Under surface: White, White Group 155B. Color (when blooming): Upper surface: White, White Group 155B. Under surface: White, White Group 155B. Color (at end of opening): Upper surface: White, White Group 155B. Under surface: White, White Group 155B. Fra-

grance: slight. Lasting quality: long on plant. Petal form: outer petals tend to have wavy edges (as illustrated), the inner petals commonly have edges that are slightly bent. Petaloids: commonly none. Petal number: approximately 16 on average. Petal arrangement: generally arranged in a regular pattern with overlapping edges. Petal drop: good with a clean disengagement of the petals. Stamens: approximately 60 on average, and regularly arranged around the styles. Filaments: nearly transparent in appearance. Pistils: commonly only one. Stigmas: cream yellow in coloration. Styles: thin, bunched, and tend to be of substantially the same length. Hips: small and orange-yellow in coloration.

Development:

Vegetation.—Strong.

Blooming.—Abundant and substantially continuous throughout the season.

Aptitude to bear fruits.—Good.

Winter hardiness.—Good.

Resistance to diseases.—Excellent with respect to blackspot, mildew, and rust.

I claim:

1. A new and distinct variety of ground cover rose plant characterized by the following combination of characteristics:

- (a) forms attractive pure white, long-lasting blossoms substantially throughout the season that well retain their original coloration upon aging,
 - (b) exhibits a compact and spreading growth habit,
 - (c) forms attractive dark green and glossy foliage that contrasts well with the pure white blossoms,
 - (d) exhibits excellent disease resistance with respect to blackspot, mildew, and rust, and
 - (e) is particularly suited for growing as attractive ornamentation in the landscape;
- substantially as herein shown and described.

* * * * *